

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 19-54531-pjs

**Joseph G. DuMouchelle,
a/k/a Joe G. DuMouchelle and
Melinda J. Adducci,
a/k/a Lindy J. Adducci,**

Chapter 11

Hon. Phillip J. Shefferly

Debtors.

**EX PARTE MOTION FOR ORDER TO SET EXPEDITED HEARING
ON U.S. TRUSTEE'S MOTION TO CONVERT AND FOR ORDER
SHORTENING TIME FOR FILING OBJECTIONS TO UNITED STATES
TRUSTEE'S MOTION TO CONVERT CASE**

Daniel M. McDermott, United States Trustee for Region 9, states as follows:

1. This is the United States Trustee's Ex Parte Motion to Set Expedited Hearing on the U.S. Trustee's Motion to Convert and for Order Shortening Time for Filing Objections to United States Trustee's Motion to Convert Case (the "Motion".)

This Motion is filed under L.B.R. 9006-1 and F.R.Bankr.P. 9006(c). A proposed Order is attached.

2. The United States Trustee filed a Motion to Convert this case on November 20, 2019.

3. According to F.R.Bankr.P. 9006(c):

[e]xcept as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of the court, the court

for cause shown may in its discretion with or without motion or notice order the period reduced.

Federal Rule of Bankruptcy Procedure 9006(c)(2) does not preclude the reduction of the time for taking action on this motion. Furthermore, under L.B.R. 9006-1(b), “[u]nless prohibited by Fed.R.Bankr.P. 9006, and to the extent otherwise permitted by the Code and the Federal Rules of Bankruptcy Procedure, a party may move in writing for, and the Court may sign, an ex parte order reducing or enlarging the time for a party to take any action or file any paper.” As set forth above, Fed.R.Bankr.P. 9006 does not preclude a reduction of the normal 21 day time period for filing objections to such motion.

4. In the present case, there is cause for granting the United States Trustee’s Motion because as set forth in the U.S. Trustee’s Motion to Convert, the Debtors cannot act as fiduciaries in this case, property is significantly underinsured, and there is the potential for removal, concealment or transfer of assets.

5. The U.S. Trustee requests that the Court set this matter for hearing as soon as the Court’s docket permits, and further that the Court allow responses and objections to be filed up to 24 hours prior to hearing on the U.S. Trustee’s Motion to Convert.

6. Because this Motion is submitted on an ex parte basis, the U.S. Trustee believes no further notice is required.

7. In addition to service by U.S. Mail, email and through the electronic filing system of the Court, telephonic notice of the filing Motion to Convert and of this Ex Parte Motion for Order Setting Expedited Hearing and for Order Shortening Time to Respond has been provided to Debtors' counsel of record, Aaron J. Scheinfeld of Goldstein, Bershad and Fried, and at aaron@bk-lawyer.net.

WHEREFORE, the United States Trustee respectfully requests that the Court grant the U.S. Trustee's Motion for Order to Set Expedited Hearing and for Order Shortening the Time for Filing Objections to the U.S. Trustee's Motion to Convert, and for such other relief as the Court deems appropriate.

Respectfully submitted,

DANIEL M. McDERMOTT
UNITED STATES TRUSTEE
Region 9

By /s/ Leslie K. Berg
Trial Attorney
Office of the U.S. Trustee
211 West Fort St - Suite 700
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(313) 226-7950
Leslie.K.Berg@usdoj.gov

Dated: November 20, 2019

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Debtors.
_____ /

**ORDER GRANTING EX PARTE MOTION FOR ORDER TO SET
EXPEDITED HEARING AND SHORTENING TIME FOR FILING
OBJECTIONS TO UNITED STATES TRUSTEE'S MOTION TO
CONVERT**

THIS MATTER came before the Court on the Ex Parte Motion of the United States Trustee for an Order to Set Expedited Hearing on the U.S. Trustee's Motion To Convert and for Order Shortening Time for Filing Objections to United States Trustee's Motion To Convert Case.

The Court has determined that notice of the Expedited Hearing Motion was sufficient given the circumstances; objections to the Expedited Hearing Motion, if any, have been withdrawn or are overruled; and the Court being duly advised in the premises;

NOW THEREFORE, IT IS HEREBY ORDERED that the hearing on the Motion to Convert before the Honorable Phillip J. Shefferly shall take place on the ___ day of November, 2019 at ___ [a.m./p.m.];

IT IS FURTHER ORDERED that any objections to the entry of the order granting the Motion to Convert as a final order shall be filed and served so as to be received by the United States Trustee at least 24 hours before the above-scheduled hearing by the U.S. Trustee's counsel at the following address:

Leslie K. Berg
Office of the U.S. Trustee
211 West Fort Street Suite 700
Detroit, Michigan 48226
Leslie.K.Berg@usdoj.gov

IT IS FURTHER ORDERED that unless served by the Court's electronic court filing system ("ECF"), the U.S. Trustee will serve this Order and the Motion to Convert upon (1) the Debtors, (2) all secured creditors, (3) the 20 largest unsecured creditors; and (4) all parties requesting service through the Court's ECF system promptly upon entry of this Order.